REMARKS

Claims 26 – 33 are pending in this application. Claims 28, 31, and 33 have been amended to correct typographical errors.

In an Office Action mailed June 14, 2007, claims 26 and 27 have been rejected under 35 USC 102(b) as being anticipated by Brown (US Patent No. 5,307,263, hereinafter "Brown"). This rejection is respectfully traversed. The system of Brown is based on a much different health model than the system of the present invention. The system of Brown is designed to feed data from unconventional sources, such as a game boy type hand held unit, into a data clearing house which performs some analysis, and then to a Doctor's Computer 62 which then functions to provide conventional information back to the patient. Thus, there are some clear technical differences between the patent and claims 26 and 27, such as the computer station (which the office identifies as the doctor's computer 62) not performing the reading of the test results and transmitting them to the health report server (identified as the clearing house server 54). Since, under the patent law a reference must identically contain each limitation of a claim to anticipate it (MPEP 2131), claims 26 and 27 are not anticipated by Brown. Moreover, claim 26 has been amended to include limitations not disclosed in any cited reference; thus, as amended, claim 26 is even more so not anticipated by Brown.

Claims 28 – 31 have been rejected under 35 USC 103(a) as being unpatentable over Brown in view of Levin et al. (US Patent No. 5,724,580, hereinafter "Levin et al."). This rejection is respectfully traversed. The report generated by Levine et al. is shown in FIGS. 25A and 25B of Levine et al. This report is extensive, but only includes a summary of the data provided by the system. The only medical risk it supplies is a conventional high or low risk of a heart attack for the next year based on the data. It clearly does not provide a five-year risk of heart attack, a ten-year risk of heart attack, a cardiac age, an extended age, or a risk of stroke, which the Office Action admits is not disclosed in Brown. Claim 1 has been amended to include these limitations and, therefore, is patentable over the cited references. Claims 28 – 31 depend on claim 1 and, therefore, are also patentable. *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) at headnote 4.

Claims 32 and 33 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims. The indication of the allowability of these claims is appreciated, but they have not been amended as requested at this time, since it is believed that they depend on a patentable claim.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1848, under Order No. 023134.0128D1US from which the undersigned is authorized to draw.

Respectfully submitted,
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